



## DEBATE PACK

Number CDP-2017-0113, 13 April 2017

# Child Maintenance Service

Tim Jarrett  
Andrew Mackley

## Summary

The debate, entitled "Child Maintenance Service" and sponsored by Marion Fellows, will take place in Westminster Hall on Tuesday 18th April at 11.30am, lasting for 90 minutes. It is expected to include debate on fees and charges, and arrears.

The Child Maintenance Service (CMS) is responsible for statutory child maintenance cases under the current scheme, known as the 2012 scheme, where child maintenance is calculated on the basis of a non-resident parent's (or "paying parent's") gross weekly income.

### *Fees and charges*

The current child maintenance scheme introduced charges, including a £20 charge for applying to the scheme which applies to almost all applicants including those whose cases had been managed by the Child Support Agency (CSA). However, the application charge does not apply to those who have been subject to domestic violence or abuse, or any applicant aged 18 years or under. There are also ongoing fees for using the "Collect and Pay" scheme, and charges for certain enforcement actions.

### *Arrears*

There was a total arrears balance of £4 billion at March 2016 from the 1993 and 2003 scheme cases, and the Department for Work and Pensions assesses that it will not collect £3 billion of these arrears.

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

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# 1. Background

## 1.1 The CMS and the CSA, and the three statutory schemes

The Child Maintenance Service (CMS) is responsible for statutory child maintenance cases under the current scheme, known as the 2012 scheme, where child maintenance is calculated on the basis of a non-resident parent's (or "paying parent's") gross weekly income.

The Child Support Agency (CSA) continues to deal with legacy cases (which are now closed to new applicants), namely those under the 2003 scheme – where child maintenance was calculated as a percentage of a non-resident parent's net weekly income – and the original, and more complex, 1993 scheme.

Outstanding cases on the legacy schemes are being closed with those involved being invited to apply to the CMS.

The Government "plans to end continuing child maintenance on 799,000 1993 and 2003 cases by December 2017, before closing these cases. It is also closing a further 588,000 cases where continuing maintenance payments are no longer due, but arrears have built up" according to the National Audit Office's (NAO) March 2017 report, [\*Child maintenance: closing cases and managing arrears on the 1993 and 2003 schemes\*](#).

## 1.2 Fees and charges under the 2012 scheme

The current child maintenance scheme introduced charges, including a £20 charge for applying to the scheme which applies to almost all applicants including those whose cases had been managed by the CSA. However, the application charge does not apply to those who have been subject to domestic violence or abuse, or any applicant aged 18 years or under.

If child maintenance is not paid direct to the parent with care, but instead via the CMS under the "Collect and Pay" scheme, then there are charges:

- for the non-resident parent, 20% of the child maintenance payable in addition to the maintenance;
- for the parent with care, 4% of the maintenance they receive.

There are no exceptions from these fees.

If the CMS has to undertake enforcement action (only possible under the Collect and Pay scheme), then there are further charges payable by the non-resident parent in respect of each enforcement action taken:

- liability order – £300;
- lump sum deduction order – £200;
- regular deduction order – £50;
- deduction from earnings request or order – £50.

Following a Government consultation about the introduction of fees, the then Department for Work and Pensions (DWP) Minister, Steve Webb, contended that there was, at the time, “no financial incentive for parents to make their own arrangements or even to pay in full and on time within the statutory system” and argued that “a system of fees will change this; application and collection fees will nudge parents to collaborate and non-resident parents will be faced with steep fees if they fail to comply”.<sup>1</sup>

In terms of the effect of the fees in practice, a survey was commissioned by the DWP: interviews were conducted with 2,814 parents with care (also known as “receiving parents”) three-months after their CSA case had ended, and 1,001 interviews with parents with care twelve-months after their CSA case had ended (some of whom had taken part in the three-month survey), plus 30 “depth interviews” with paying parents were conducted. The fieldwork took place between June 2015 and September 2016.<sup>2</sup>

Overall, it was found that “the rates of application to the CMS have been much lower than expected. Around a fifth of parents whose CSA case had closed three months earlier had applied to the CMS. This is substantially lower than the estimates of 63 per cent of CSA clients making an application to the CMS in the Department for Work and Pensions’ impact assessment of the new statutory scheme”.<sup>3</sup>

The report provides information on the extent to which the introduction of fees might have affected applications to the 2012 scheme:

- application fee:
  - “around a third of Receiving Parents who paid the CMS application fee reported that the fee was difficult to afford”;
  - “among Receiving Parents without a maintenance arrangement at three months, the £20 CMS application fee was cited as a factor in the decision by nearly a third (29 per cent). This indicates that the application fee may be acting as a barrier to some families accessing the CMS”;
- Collect and Pay collection charges

<sup>1</sup> Department for Work and Pensions, [Government response to the consultation Supporting separated families: securing children's futures](#), Cm8742, November 2013, p6

<sup>2</sup> Department for Work and Pensions, [Survey of Child Support Agency Case Closure Outcomes](#), December 2016, p29

<sup>3</sup> As above, p37

- “of those with a Collect and Pay arrangement ... over a quarter found [the ongoing four per cent charge] difficult (28 per cent)”;
- “around a quarter of Receiving Parents with no arrangement (24 per cent) said that the ongoing charges for Collect and Pay influenced their decision”;
- “two-fifths of Receiving Parents with a Direct Pay arrangement (42 per cent) cited a desire to avoid Collect and Pay charges as a reason for choosing Direct Pay and half said the charges were a factor in their decision (51 per cent)”;
- “paying Parents who were in touch with the CMS also said the charges were a strong disincentive”;
- “this indicates that the Collect and Pay charges may be contributing to the policy objective of reducing collection costs by encouraging parents to make payments directly between themselves”.
- “however, only some Direct Pay arrangements are effective, suggesting that the charges may be disincentivising some parents from using Collect and Pay despite having an ineffective Direct Pay arrangement”;
- Family based arrangement
  - “of those Receiving Parents with a FBA [Family based arrangement] ... around a quarter said that their decision was influenced by the £20 CMS application fee (among those who were involved in the decision to have this type of arrangement)”;
  - “a third said that Collect and Pay charges affected their decision to have a FBA a lot, or to some extent;
  - “this indicates that the charges introduced are contributing to the objective of encouraging some parents to have a FBA rather than a statutory arrangement to a degree. Nonetheless, some of these FBAs are not fully effective, suggesting a risk that charges may be preventing parents who might benefit from a statutory arrangement from applying for one”.<sup>4</sup>

More information on the fees and charges can be found in the [Library briefing paper on this topic](#).

## 1.3 Arrears

There was a total arrears balance of £4 billion at March 2016 from the 1993 and 2003 scheme cases, and the DWP assesses that it will not collect £3 billion of these arrears according to the NAO’s March 2017 report, [Child maintenance: closing cases and managing arrears on the 1993 and 2003 schemes](#).<sup>5</sup>

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<sup>4</sup> As above, pp34-36

<sup>5</sup> National Audit Office, [Child maintenance: closing cases and managing arrears on the 1993 and 2003 schemes](#), March 2017, p12, para 3.2

In January 2013, the DWP published [\*Preparing for the future, tackling the past: Child Maintenance – Arrears and Compliance Strategy 2012 – 2017\*](#).

In the strategy, the DWP said “The position is clear - parents who owe money for their children, whenever that debt arose, are still expected to pay it. The Government has no plans to conduct a wholesale write-off of CSA debt on the grounds that it is unlikely to be collected”.

However, the strategy made clear that arrears owed in cases where child maintenance was still being collected would be prioritised:

The operational priority of the statutory service is to collect money for children who will benefit from regular ongoing maintenance payments today, rather than prioritising the pursuit of historic arrears in cases where the children have now grown up. All areas of government face budgetary challenges and tough choices must be made on how much of taxpayers money can be allocated to this area. In older, arrears only cases the children have mostly by now reached adulthood so these arrears are a lower priority; but they remain owed and it is our ambition to collect them.<sup>6</sup>

In terms of the outstanding arrears, the NAO reported in March 2017 that:

The Department’s current arrears and compliance strategy does not aim to recover all arrears, and the Department has not allocated sufficient resources to do so. It has not yet set out how it will manage the uncollectable arrears balance.<sup>7</sup>

The NAO noted that “the Department plans to publish a new strategy for addressing arrears in 2017”.<sup>8</sup>

As noted above, while the Government has no plans for a wholesale write-off of arrears, there are some limited circumstances in which arrears can be written off.

Under section 41E(1) of the *Child Support Act 1991* as amended, “The Secretary of State may extinguish liability in respect of arrears of child support maintenance if it appears to the Secretary of State (a) that the circumstances of the case are of a description specified in regulations made by the Secretary of State, and (b) that it would be unfair or otherwise inappropriate to enforce liability in respect of the arrears”.

The *Child Support (Management of Payments and Arrears) Regulations 2009* (SI 2009/3151) as amended provide the detail for paragraph (a) above. Regulation 13G states that:

The circumstances of the case specified for the purposes of section 41E(1)(a) of the 1991 Act are that—

- a) the person with care has requested under section 4(5) of that Act that the Secretary of State ceases to act in respect of the arrears;

<sup>6</sup> Department for Work and Pensions, [\*Preparing for the future, tackling the past: Child Maintenance – Arrears and Compliance Strategy 2012 – 2017\*](#), January 2013, p6

<sup>7</sup> National Audit Office, [\*Child maintenance: closing cases and managing arrears on the 1993 and 2003 schemes\*](#), March 2017, p12, para 3.3

<sup>8</sup> As above, p12, para 3.3

- b) a child in Scotland has requested under section 7(6) of that Act that the Secretary of State ceases to act in respect of the arrears;
- c) the person with care, or (in Scotland) the child, has died;
- d) the non-resident parent died before 25 January 2010 or there is no further action that can be taken with regard to recovery of the arrears from the non-resident parent's estate [...];
- e) the arrears relate to liability for child support maintenance for any period in respect of which an interim maintenance assessment was in force between 5 April 1993 and 18 April 1995; or
- f) the non-resident parent has been informed by the Secretary of State that no further action would ever be taken to recover those arrears.

## 2. Parliamentary material

### 2.1 Select committees

Work and Pensions Select Committee, [Child Maintenance Service inquiry](#), open inquiry

### 2.2 Early Day Motions

#### [CHILD MAINTENANCE SERVICE CHARGES](#)

That this House recognises that charges on the Child Maintenance Service Collect and Pay service are preventing parents and children from accessing maintenance; accepts that domestic abuse survivors are most at need of a Government service to help ensure maintenance is paid without contact between former partners, yet are among the worst affected by barriers created by charges; understands that research by Gingerbread has found that around one in four receiving parents claim domestic violence is a reason for not setting up an arrangement with the Child Maintenance Service after their case with the Child Support Agency had closed; and calls for the Government to scrap Collect and Pay charges for survivors of domestic violence.

28 Mar 2017 | Early day motions | Open | House of Commons | 1116 (session 2016-17)

**Primary sponsor:** Crawley, Angela | **Party:** Scottish National Party

**Other sponsors:** Weir, Mike · Durkan, Mark · McDonnell, Alasdair · Shannon, Jim · McGarry, Natalie

**Number of signatures:** 19

#### [GINGERBREAD REPORT ON CHILD MAINTENANCE SERVICE](#)

That this House welcomes the report from the charity Gingerbread, entitled Missing maintenance; notes that when child maintenance goes unpaid by a parent, children lose out; deplores the disastrous record of the Child Support Agency in collecting unpaid child maintenance, which has resulted in almost £4 billion of outstanding arrears; believes that, with nearly half of paying parents in the new child maintenance system owing arrears, the new Child Maintenance Service is already underperforming on its collection of such arrears; and calls on the Government to use the income from collection fees to bring about a substantial improvement in enforcement action over the next three years, with clear annual debt collection targets for both Child Support Agency and Child Maintenance Service debts.

19 Oct 2016 | Early day motions | Open | House of Commons | 575 (session 2016-17)

**Primary sponsor:** Lucas, Caroline | **Party:** Green Party

**Other sponsors:** Williams, Hywel · Pugh, John · Whiteford, Eilidh · Green, Kate · Henderson, Gordon

**Number of signatures:** 96

#### [CHILD MAINTENANCE SERVICE COLLECTION FEE](#)

That this House calls on the Government to remove the 4 per cent Child Maintenance Service collection fee for domestic abuse victims; notes that for domestic abuse victim-survivors, the alternative family-based arrangement is in most cases impossible to arrange; believes that using the Child Maintenance Service may be the only safe way for victims of domestic abuse to claim support for their child or children from the other parent; acknowledges the fact that this is a tax on child support; and further believes that it is ultimately the children who lose out on money intended to support them.

13 Jun 2016 | Early day motions | Open | House of Commons | 208  
(session 2016-17)

**Primary sponsor:** Crawley, Angela | **Party:** Scottish National Party

**Other sponsors:** Ahmed-Sheikh, Tasmina · Arkless, Richard · Cherry, Joanna · Law, Chris · Blackford, Ian

**Number of signatures:** 42

#### [CHILD MAINTENANCE SERVICE CHARGES](#)

That this House is greatly concerned at the impact that charging for the use of the Child Maintenance Scheme (CMS) is having on families and children; believes that these charges in effect constitute a tax on children in contradiction to the Government's professed child-friendly stance; notes that charities such as Gingerbread have warned that this increases the potential for conflict between parents, which can only negatively impact on the child; recognises that most single parents struggle financially; is deeply concerned that many poor families may be deterred from applying for child maintenance as a result of this policy and therefore remain in poverty; and calls on the Government urgently to bring forward its review of the CMS in light of these grave concerns.

24 Jun 2015 | Early day motions | Open | House of Commons | 186  
(session 2015-16)

**Primary sponsor:** Lucas, Caroline | **Party:** Green Party

**Other sponsors:** McDonnell, John · Lavery, Ian · Edwards, Jonathan · Stephens, Christopher · Glindon, Mary

**Number of signatures:** 40

#### [CHILD MAINTENANCE SERVICE CHARGES](#)

That this House is deeply concerned by the introduction of charging for use of the new Child Maintenance Service and that a lack of resources



means that £2.9 billion of the £3.9 billion arrears owed to single parent families is not being collected; deplores the fact that money once intended for the upbringing of children is now being taken solely for Government coffers and that receiving families will lose out by over £70 a year which could pay for anything from winter coats to school trips or to put food on the table; refutes the idea that charges act as an incentive for parents to make private arrangements; questions how charging passes the Government's flagship family test, which includes an assessment of what impact a policy has on families most at risk of deteriorating relationships and breakdown; is mindful that a statutory child maintenance system was set up 21 years ago to address the suffering caused by child poverty and the financial costs that were otherwise being met by the state; and urges the Government to end charging for use of the child maintenance system and ensure adequate resources to collect arrears.

25 Feb 2015 | Early day motions | Open | House of Commons | 818 (session 2014-15)

**Primary sponsor:** Glendon, Mary | **Party:** Labour Party

**Other sponsors:** Cunningham, Jim · Wright, David · Corbyn, Jeremy · Hancock, Mike · McInnes, Liz

**Number of signatures:** 38

## 2.3 Parliamentary written questions

- [Children: Maintenance](#)

**Asked by:** Fuller, Richard | **Party:** Conservative Party

To ask the Secretary of State for Work and Pensions, what assessment he has made of the effect of the introduction of fees in the Child Maintenance Service on collection rates of child maintenance.

**Answering member:** Caroline Nokes | **Party:** Conservative Party |

**Department:** Department for Work and Pensions

Evaluation and research on the effects of the introduction of fees and charges in the Child Maintenance Service was published in December 2016, in line with our statutory obligation. The Department expects to publish a Review Report in spring this year, including a summary of the key findings from the research and statistics.

28 Mar 2017 | Written questions | Answered | House of Commons | 68507

**Date tabled:** 20 Mar 2017 | **Date for answer:** 22 Mar 2017 | **Date answered:** 28 Mar 2017

- [Children: Maintenance](#)

**Asked by:** Johnson, Diana | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, how many (a) non-resident parents and (b) parents with care registered with the Child Maintenance Service claim (i) income-based jobseeker's allowance, (ii) income-based employment and support allowance and (iii) universal credit; and in how many instances the non-resident parent but not the parent with care claims any of those benefits.

**Answering member:** Caroline Nokes | **Party:** Conservative Party |  
**Department:** Department for Work and Pensions

For the Child Maintenance Service, the requested information for non-resident-parents (NRP) and parents with care (PWC) on benefit as at November 2016 are as follows:

Volume Claiming		NRP	PWC
i	Income-based jobseeker's allowance	11,600	9,500
ii	Income-based employment and support allowance	33,000	29,700
iii	Universal Credit	7,200	4,000

For the same period, the volume of NRP but not PWC claiming any of the benefits was 42,600.

More details on the caseload for November 2016 can be found on page 5 of the Child Maintenance Scheme quarterly summary of statistics which can be accessed online at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/585260/2012-statutory-child-maintenance-scheme-aug-2013-nov-2017-experimental.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/585260/2012-statutory-child-maintenance-scheme-aug-2013-nov-2017-experimental.pdf).

Note that the figures are case based, non-resident-parent and parents with care might have more than one case so an individual may be included in the figures more than once.

24 Mar 2017 | Written questions | Answered | House of Commons | 68204

**Date tabled:** 15 Mar 2017 | **Date for answer:** 20 Mar 2017 | **Date answered:** 24 Mar 2017

- [Children: Maintenance](#)

**Asked by:** Johnson, Diana | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, how many and what proportion of parents were under (a) Direct Pay and (b) Collect and Pay schemes in each year of the operation of the (i) Child Support Agency and (ii) Child Maintenance Service.

**Answering member:** Caroline Nokes | **Party:** Conservative Party |  
**Department:** Department for Work and Pensions

i) For the Child Support Agency, the requested information relates to Maintenance Direct and the Collection Service as the service types for the 1993 and 2003 Child Maintenance Schemes.

Date	Volume		Proportions (%)	
	Collection Service <sup>4</sup>	Maintenance Direct	Collection Service	Maintenance Direct
March 2003 <sup>1</sup>	903,600	91,500	91	9
March 2004	921,500	86,100	91	9
March 2005	960,700	93,500	91	9
March 2006	1,020,600	112,800	90	10
March 2007	1,048,700	132,300	89	11
March 2008 <sup>2</sup>	1,083,200	153,900	88	12
March 2009	1,079,700	165,300	87	13
March 2010 <sup>3</sup>	981,000	169,800	85	15
March 2011	971,600	174,100	85	15
March 2012	1,159,800	172,000	87	13
March 2013	1,196,400	181,900	87	13
March 2014	1,206,500	185,000	87	13
March 2015	1,151,300	181,500	86	14
March 2016	1,081,900	138,600	89	11

Note:

1) Figures are provided from 2003 onwards as figures before this date do not include off system cases and it would be disproportionate cost to try and attain these figures.

2) Figures from April 2008 onwards reflect the performance of cases off system and cases where a payment has been made manually as well as cases on the computer systems.

3) A drop in the caseload from March 2010 can be attributed to the removal of suspended cases on the CSCS computer system

4) Figures for the Collection Service include all the caseload except Maintenance Direct cases not just those with a current liability.

More details can be found on page 4 of the Child Support Agency Quarterly Summary of Statistics which can be accessed online at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/592860/csa-quarterly-summary-statistics-december-2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/592860/csa-quarterly-summary-statistics-december-2016.pdf).

ii) For the Child Maintenance Service, the requested information is only available since August 2014 and is provided in the Table below for each year.

<b>Volume</b>	<b>Mar-15</b>	<b>Mar-16</b>
Collect & Pay	28,600	51,800
Direct Pay	60,100	120,500
<b>Proportions (%)</b>		
Collect & Pay	32	30
Direct Pay	68	70

More details can be found on page 8 of the Child Maintenance Scheme quarterly summary of statistics which can be accessed online at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/585260/2012-statutory-child-maintenance-scheme-aug-2013-nov-2017-experimental.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/585260/2012-statutory-child-maintenance-scheme-aug-2013-nov-2017-experimental.pdf).

The figures are case based, note that a parent may have more than one case and may have cases on both Direct Pay and Collect and Pay schemes.

20 Mar 2017 | Written questions | Answered | House of Commons | 67888

**Date tabled:** 14 Mar 2017 | **Date for answer:** 16 Mar 2017 | **Date answered:** 20 Mar 2017

- [Taxation: Fraud](#)

**Asked by:** Abrahams, Debbie | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, how many (a) prosecutions for misrepresentation and (b) referrals to HM Revenue and Customs for tax and fraud have occurred in connection with Child Maintenance Support cases since the specialist Financial Investigation Unit was introduced into the 2012 child maintenance scheme.

**Answering member:** Caroline Nokes | **Party:** Conservative Party | **Department:** Department for Work and Pensions

As at March 2017 we have not yet completed prosecution action on any Child Maintenance Service (CMS) cases for misrepresentation, however there are 678 cases where we have taken formal investigative action to confirm representations of income. Of these we have conducted 10 interviews under caution with a further 25 scheduled, some of which may result in prosecution. Since the Financial Investigation Unit was introduced to the CMS there have been 38 referrals to HM Revenue and Customs where we believe there to be evidence of fraud.

20 Mar 2017 | Written questions | Answered | House of Commons | 67807

**Date tabled:** 14 Mar 2017 | **Date for answer:** 20 Mar 2017 | **Date answered:** 20 Mar 2017

**Transferred:** yes

- [Children: Maintenance](#)

**Asked by:** Abrahams, Debbie | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, when he plans for the referral process by which Child Maintenance Service (CMS) caseworkers can refer new CMS cases and complaints cases to the Financial Investigation Unit to be extended to cover all child maintenance cases.

**Answering member:** Caroline Nokes | **Party:** Conservative Party |  
**Department:** Department for Work and Pensions

The full rollout of this process to all Child Maintenance Service teams is on track to complete by June 2017 and at that stage will cover all stages of the Child Maintenance lifecycle, from Applications through to Enforcement.

20 Mar 2017 | Written questions | Answered | House of Commons | 67802

**Date tabled:** 14 Mar 2017 | **Date for answer:** 20 Mar 2017 | **Date answered:** 20 Mar 2017

- [Children: Maintenance](#)

**Asked by:** Abrahams, Debbie | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, whether his Department's evaluation of the work of the Financial Investigation Unit in dealing with child maintenance cases within the New Case and Complaints areas of the Child Maintenance Service has been completed.

**Answering member:** Caroline Nokes | **Party:** Conservative Party |  
**Department:** Department for Work and Pensions

The pilot is on course to complete in the Spring. We are currently reviewing the empirical evidence to determine how this can best be shared publicly however we have already decided to rollout the process to all teams within the Child Maintenance Service.

20 Mar 2017 | Written questions | Answered | House of Commons | 67801

**Date tabled:** 14 Mar 2017 | **Date for answer:** 20 Mar 2017 | **Date answered:** 20 Mar 2017

- [Child Maintenance Service: Fees and Charges](#)

**Asked by:** Johnson, Diana | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, how many application fees to the Child Maintenance Service have been refunded

after it became clear that the parent with care was a victim of domestic violence in the last 12 months.

**Answering member:** Caroline Nokes | **Party:** Conservative Party |  
**Department:** Department for Work and Pensions

Around a third of applications to the Child Maintenance Service benefit from a waiver of the application fee due to domestic violence.

There are only two specific circumstances in which the Department can repay the application fee after payment:

- where a qualifying child dies following the payment of the application fee but before a maintenance calculation is made if, as a result of this, no maintenance calculation is made; and
- where the Secretary of State withdraws a notice to close a case on the 1993 or 2003 schemes.

From March 2016 to February 2017, 48 cases with application fees had the fees repaid on the Child Maintenance Scheme.

20 Mar 2017 | Written questions | Answered | House of Commons | 67512

**Date tabled:** 13 Mar 2017 | **Date for answer:** 15 Mar 2017 | **Date answered:** 20 Mar 2017

- [Children: Maintenance](#)

**Asked by:** Lucas, Caroline | **Party:** Green Party

To ask the Secretary of State for Work and Pensions, what proportion of non-resident parents with cases in the Child Maintenance Service's caseload have a statutory calculation which includes earnings from self-employment.

**Answering member:** Caroline Nokes | **Party:** Conservative Party |  
**Department:** Department for Work and Pensions

For cases administered by the Child Maintenance Service, as at November 2016, 8% of the total caseload with a statutory calculation was identified as self-employed.

Please note it is not possible to validate employment records for around 20% of the relevant caseload. If we were to exclude those cases without employment records, the self-employed would constitute 10% of the caseload.

02 Mar 2017 | Written questions | Answered | House of Commons | 64979

**Date tabled:** 22 Feb 2017 | **Date for answer:** 24 Feb 2017 | **Date answered:** 02 Mar 2017

- [Children: Maintenance](#)

**Asked by:** Donelan, Michelle | **Party:** Conservative Party

To ask the Secretary of State for Work and Pensions, if he will make an assessment into the potential merits of amending the Child Maintenance Services' (CMS) variation rules to (a) better reflect the financial capacity of a person to pay and (b) include categories of wealth which fall outside the CMS criteria.

**Answering member:** Caroline Nokes | **Party:** Conservative Party |  
**Department:** Department for Work and Pensions

Within the 2012 scheme of child maintenance, a broad spectrum of taxable income can be taken into account in the maintenance calculation as part of a variation.

We believe all parents have a responsibility to financially contribute to their children's upbringing and the best way we have of establishing a fair contribution is a calculation of their liability based on their income level.

The definition of income within variations is designed to make the best use of additional sources of taxable income captured by self-assessment, referred to as 'unearned income'. This includes income from property, savings and investments and other miscellaneous sources.

Receiving 'unearned income' information directly from HM Revenue and Customs makes it more difficult for individuals to seek to minimise the amount of child maintenance they pay. A variation can also be considered if a receiving parent has evidence that a paying parent is diverting income.

We have no plans to widen our variation categories further.

22 Feb 2017 | Written questions | Answered | House of Commons | 64052

**Date tabled:** 17 Feb 2017 | **Date for answer:** 21 Feb 2017 | **Date answered:** 22 Feb 2017

- [Children: Maintenance](#)

**Asked by:** Donaldson, Stuart Blair | **Party:** Scottish National Party

To ask the Secretary of State for Work and Pensions, what advice services there are for people with a child maintenance arrangement who (a) are moving away from Child Support Agency (CSA) arrangements and (b) have a child maintenance arrangement with the CSA.

**Answering member:** Caroline Nokes | **Party:** Conservative Party |  
**Department:** Department for Work and Pensions

Child Maintenance Options provides free and impartial information and support to help separated parents make decisions about their child maintenance arrangements. Parents, or anyone else with an interest in child maintenance can contact Child Maintenance Options at any time for information and support. If a parent is notified that their Child Support Agency case is due to close they can contact Child Maintenance Options to help make an informed decision before

opening a case with Child Maintenance Service. Child Maintenance Options also signpost parents to support organisations to offer further advice.

Clients can contact Options at any stage during their case for advice or guidance. Child Support Agency caseworkers are also trained to offer advice to parents and signpost to relevant organisations where necessary.

20 Feb 2017 | Written questions | Answered | House of Commons | 63663

**Date tabled:** 08 Feb 2017 | **Date for answer:** 20 Feb 2017 | **Date answered:** 20 Feb 2017

- [Children: Maintenance](#)

**Asked by:** Crawley, Angela | **Party:** Scottish National Party

To ask the Secretary of State for Work and Pensions, whether it is the Government's policy to encourage parents to use the Child Maintenance Services collect and pay service.

**Answering member:** Caroline Nokes | **Party:** Conservative Party | **Department:** Department for Work and Pensions

The principal aim of the child maintenance reforms is to encourage parents to work together to set up their maintenance arrangement. The free Child Maintenance Options Service provides help and support to parents to set up a collaborative arrangement either through a family based arrangement, or on the statutory scheme using Direct Pay.

For those parents who are unable to work together, or do not meet their maintenance obligations, the Collect and Pay service is available.

08 Feb 2017 | Written questions | Answered | House of Commons | 62449

**Date tabled:** 31 Jan 2017 | **Date for answer:** 02 Feb 2017 | **Date answered:** 08 Feb 2017

- [Children: Maintenance](#)

**Asked by:** Crawley, Angela | **Party:** Scottish National Party

To ask the Secretary of State for Work and Pensions, what powers of enforcement are available to the Child Maintenance Service if parents are on a direct-pay scheme and the paying parent refuses to meet their obligation to pay.

**Answering member:** Caroline Nokes | **Party:** Conservative Party | **Department:** Department for Work and Pensions

When we are informed by a receiving parent that the paying parent has missed a payment whilst on direct pay, they can request to move on to the collect and pay service. We will make this change as soon as



possible unless the paying parent produces evidence that the payment was made.

Where the paying parent is employed we will immediately attempt to deduct from their earnings with a deduction from earnings order. We have at our disposal a wide range of enforcement powers including deducting from bank accounts, seizing property, removal of driving licences and commitment to prison. Arrears accrued on direct pay can be enforced using any of our enforcement powers.

07 Feb 2017 | Written questions | Answered | House of Commons | 62448

**Date tabled:** 31 Jan 2017 | **Date for answer:** 02 Feb 2017 | **Date answered:** 07 Feb 2017

- [Children: Maintenance](#)

**Asked by:** Mathias, Dr Tania | **Party:** Conservative Party

To ask the Secretary of State for Work and Pensions, whether the Child Maintenance Service takes account of a person's lifestyle as well as income in determining liabilities for paying maintenance.

**Answering member:** Caroline Nokes | **Party:** Conservative Party | **Department:** Department for Work and Pensions

The Child Maintenance Service (CMS) does not take into account a person's "lifestyle" in calculating a maintenance liability.

The CMS has access to income information held by HM Revenue and Customs (HMRC), allowing us to capture a much wider range of income types received by Paying Parents. The definition of income within the 2012 scheme includes almost all additional sources of gross income captured by self-assessment. We refer to this as "unearned income" and it includes incomes from property, savings and investments (including dividends) and other miscellaneous incomes.

This provides a more effective route to taking these kinds of income into account than the "lifestyle" ground which existed for the previous schemes of maintenance.

20 Jan 2017 | Written questions | Answered | House of Commons | 60320

**Date tabled:** 17 Jan 2017 | **Date for answer:** 20 Jan 2017 | **Date answered:** 20 Jan 2017

- [Children: Maintenance](#)

**Asked by:** Fellows, Marion | **Party:** Scottish National Party

To ask the Secretary of State for Work and Pensions, what criteria were used to determine the Child Maintenance Service's enforcement charges, including liability orders, lump sum reduction orders, regular deduction orders and deduction from earnings orders and requests.

**Answering member:** Caroline Nokes | **Party:** Conservative Party |  
**Department:** Department for Work and Pensions

Enforcement charges are intended to encourage parents to comply with their commitments, as well as to help off-set the administrative cost of taking enforcement action. The enforcement charges are lower than the actual cost to the Department for taking the action. To charge the full cost could have an adverse effect and encourage non-compliance, as well as being potentially disproportionate to the size of the debt. The levels are designed to be proportionate to the type, and seriousness, of the order that is being pursued.

Enforcement charges are only collected once the ongoing maintenance and any arrears due have, been paid.

20 Jan 2017 | Written questions | Answered | House of Commons | 60231

**Date tabled:** 17 Jan 2017 | **Date for answer:** 20 Jan 2017 | **Date answered:** 20 Jan 2017

- [Children: Maintenance](#)

**Asked by:** Brock, Deidre | **Party:** Scottish National Party

To ask the Secretary of State for Work and Pensions, what guidance and training is provided by his Department for staff administering the child maintenance scheme on working with parents who have been victims of domestic violence.

**Answering member:** Caroline Nokes | **Party:** Conservative Party |  
**Department:** Department for Work and Pensions

When a client first makes a call to the Child Maintenance Options service they have the opportunity to declare if they have experienced domestic violence which allows us to understand whether or not it is appropriate to waive the £20 application fee. This information will be passed to the Child Maintenance Service Applications Caseworker who will use subtle probing questions to gather further information.

Child Maintenance Caseworkers and Child Maintenance Options agents receive a significant amount of behavioural training around managing sensitive and difficult client interactions that will equip them to deal with clients professionally and empathetically. This training is not specifically related to domestic violence, however following recent feedback we are engaging with stakeholders to develop the enhanced learning packages to include this.

20 Dec 2016 | Written questions | Answered | House of Commons | 57806

**Date tabled:** 15 Dec 2016 | **Date for answer:** 19 Dec 2016 | **Date answered:** 20 Dec 2016

- [Children: Maintenance](#)

**Asked by:** Fellows, Marion | **Party:** Scottish National Party

To ask the Secretary of State for Work and Pensions, what the cost to the public purse was of operations of (a) the Child Maintenance Service and (b) the Child Support Agency in (i) 2013-14, (ii) 2014-15 and (iii) 2015-16; and what the forecast operating costs are of each body in 2016-17.

**Answering member:** Caroline Nokes | **Party:** Conservative Party |  
**Department:** Department for Work and Pensions

The table below reflects the direct costs of Operations, gross of income from fees and charges, and excludes corporate overheads such as IT, estate costs and other corporate services.

£ millions	2013/14	2014/15	2015/16	2016/17
	Actual	Actual	Actual	Forecast
Child Maintenance Service	46.95	79.45	114.39	135.85
Child Support Agency	237.71	193.87	136.31	89.80
Total	284.66	273.32	250.70	225.65

05 Dec 2016 | Written questions | Answered | House of Commons | 55710

**Date tabled:** 30 Nov 2016 | **Date for answer:** 05 Dec 2016 | **Date answered:** 05 Dec 2016

- [Children: Maintenance](#)

**Asked by:** McCabe, Steve | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, of the 198,200 proactively selected Child Support Agency (CSA) cases and the 16,200 reactively selected CSA cases which had completed the case closure process at the end of June 2016, in how many cases former CSA arrears were (a) written off and (b) transferred to the Child Maintenance Service.

**Answering member:** Caroline Nokes | **Party:** Conservative Party |  
**Department:** Department for Work and Pensions

The table below shows the number of selected cases which had completed the case closure process as of the end of June 2016, detailed by the number of cases which have had CSA arrears written off and the number of cases where CSA arrears have been transferred to the Child Maintenance Service.

	Number of proactively selected cases	Number of reactively selected cases	Total selected cases
CSA arrears written off	48,100	4,600	52,700
CSA arrears transferred to the	76,700	9,100	85,800

Child Maintenance  
Service

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Notes:

- Figures rounded to nearest 100
- Figures as at 30th June 2016. Selected cases may have CSA arrears written off after this date.
- Cases that have had CSA arrears written off may not have had the entirety of their arrears written off. Cases can therefore have both CSA arrears written off and CSA arrears transferred to the Child Maintenance Service.

28 Nov 2016 | Written questions | Answered | House of Commons | 54655

**Date tabled:** 23 Nov 2016 | **Date for answer:** 28 Nov 2016 | **Date answered:** 28 Nov 2016

- [Children: Maintenance](#)

**Asked by:** Stephens, Chris | **Party:** Scottish National Party

To ask the Secretary of State for Work and Pensions, how much the Government has received in total to date in charges from the Child Maintenance Service since charging was introduced in June 2014.

**Answering member:** Caroline Nokes | **Party:** Conservative Party | **Department:** Department for Work and Pensions

The introduction of fees and ongoing collection charges are designed to act as an incentive for parents to pause and consider the different options available to them for a child maintenance arrangement, rather than applying to the statutory Child Maintenance Service 'by default'. Charges make a small contribution to the service that is heavily subsidised by the taxpayer.

The Government has received £11,298,200 in charges, from the Child Maintenance Service between June 2014 when charging was introduced and March 2016 which is the latest period covered in the DWP annual report and accounts.

04 Nov 2016 | Written questions | Answered | House of Commons | 51325

**Date tabled:** 01 Nov 2016 | **Date for answer:** 04 Nov 2016 | **Date answered:** 04 Nov 2016

**Registered interest:** yes

**Asked by:** McCabe, Steve | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, what steps he is taking to ensure that arrears-only Child Support Agency cases outside the current pro-active case-closure programme will be subject to the arrears cleansing process before being transferred to the Child Maintenance Service for collection.

**Answering member:** Caroline Nokes | **Party:** Conservative Party | **Department:** Department for Work and Pensions

The arrears cleansing process is a feature of the case closure programme, and cases selected for closure will be subject to arrears cleanse before the debt is moved to the Child Maintenance Service system. Cases are not subject to the arrears cleanse process unless they are selected for closure.

24 Oct 2016 | Written questions | Answered | House of Commons | 49472

**Date tabled:** 19 Oct 2016 | **Date for answer:** 24 Oct 2016 | **Date answered:** 24 Oct 2016

- [Children: Maintenance](#)

**Asked by:** Thewliss, Alison | **Party:** Scottish National Party

To ask the Secretary of State for Work and Pensions, if he will bring forward proposals to ensure that parents who are making child support payments to the Child Maintenance Service are not charged for the Collect and Pay service, where all reasonable attempts are made by the two parties to use the Direct Pay service.

**Answering member:** Caroline Nokes | **Party:** Conservative Party | **Department:** Department for Work and Pensions

The 30 month review, which will consider the impact of fees and charging will be complete by the end of 2016 and findings from the review will be published in early 2017.

Where parents are able to agree, a Direct Pay arrangement means that collection charges can be avoided. Where this is not possible, it is vital that the Collect and Pay service remains available where the Child Maintenance Service collect and administer the payments on the parents' behalf – and for that service to be subject to charges provides an incentive for parents to make Direct Pay work where they can.

17 Oct 2016 | Written questions | Answered | House of Commons | 47216

**Date tabled:** 07 Oct 2016 | **Date for answer:** 11 Oct 2016 | **Date answered:** 17 Oct 2016

- [Children: Maintenance](#)

**Asked by:** McCabe, Steve | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, what assessment he has made of the implications for his policies of the findings of Gingerbread's report, Missing Maintenance, published in June 2016; what plans he has to implement the recommendations of that report; and if he will make a statement.

**Answering member:** Priti Patel | **Party:** Conservative Party | **Department:** Department for Work and Pensions

We are currently considering the recommendations contained in the Gingerbread report, Missing Maintenance. In relation to the recommendation on deductions from joint bank accounts, we have already started taking steps to implement this power and will be

launching a public consultation soon on our proposed process to enable deductions from joint bank accounts.

We remain committed to pursuing those parents who do not willingly meet their financial responsibilities to their children. The Child Maintenance Service has a range of effective enforcement powers intended to help ensure all parents fulfil their financial responsibilities towards their children including taking deductions directly from earnings and bank accounts.

29 Jun 2016 | Written questions | Answered | House of Commons | 41088

**Date tabled:** 20 Jun 2016 | **Date for answer:** 29 Jun 2016 | **Date answered:** 29 Jun 2016

- [Children: Maintenance](#)

**Asked by:** Green, Kate | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, what the average amount is of child maintenance debt owed to parents with care.

**Answering member:** Priti Patel | **Party:** Conservative Party |

**Department:** Department for Work and Pensions

As at the end of March 2016, the average amount of child maintenance debt owed to parents with care for the Child Maintenance Service 2012 scheme was £668 and the Child Support Agency 1993/2003 schemes was £2,067.

Notes

- 1 Figure rounded to nearest pound.

08 Jun 2016 | Written questions | Answered | House of Commons | 39097

**Date tabled:** 03 Jun 2016 | **Date for answer:** 08 Jun 2016 | **Date answered:** 08 Jun 2016

## 2.4 Parliamentary oral questions

[Child Support: Unpaid Maintenance](#)

**Asked by:** Baroness Royall of Blaisdon (Lab) | **Party:** Labour Party

My Lords, I simply do not think that is acceptable because, according to a withering NAO report, around £3 billion in child maintenance is likely to be uncollectable. The Government say that they are offering parents a fresh start by suggesting that they write off debts to which their children are legally entitled. These are some of the poorest children in society, suffering as a result of incompetence and cuts in enforcement work, so why do not the Government restore staffing levels, step up enforcement and ensure that the new Child Maintenance Service is obliged to collect outstanding debts?

- **Answered by:** Lord Henley | **Party:** Conservative Party

My Lords, I would be more than happy to accept the noble Baroness's assessment that this is withering and the figures are astronomical if we were talking about figures that related to the children who are likely to benefit today. A lot of this £3.9 billion—sorry, £3.8 billion; there are different figures according to different things—goes back a very long way to the 1993 scheme. Some of it goes back before the reforms introduced in 2003 by the Government of whom the noble Baroness was a member, and some of it goes back before 2008. If the noble Baroness thinks about the number of years that have passed, she will realise that those children are now grown up and will not benefit from recovering that money. It is very sad that absent parents have behaved badly. The only people who have lost out—as the noble Baroness put it—are those children. However, we are concerned about the children of today and to make sure that matters operate properly now, and that the money owed by absent parents, where the department has a role in trying to enforce that, gets paid to the caring parent so

that the appropriate children benefit. I am terribly sorry but a lot of that £3.9 billion is in effect lost, as the noble Baroness said, to those children who are no longer children now.

30 Mar 2017 | Oral questions - 1st Supplementary | Answered | House of Lords | House of Lords chamber | 782 c738

### [Topical Questions](#)

**Asked by:** Sir Nick Harvey (North Devon) (LD) | **Party:** Liberal Democrats

The Government have rightly tackled the long-standing chaos in the Child Support Agency, but attracted controversy with their new 4% admin charge on struggling parents with care when the other parent is not stepping up to the plate. What assessment have the Government made of the big drop-off in the number of parents using the Child Maintenance Service? Are absent parents magically paying up to avoid their charge or are parents with care being scared off to avoid theirs?

- **Answered by:** The Minister for Pensions (Steve Webb)  
| **Party:** Liberal Democrats | **Department:** Work and Pensions

I was beginning to feel unemployed until this moment. [Laughter.] The philosophy of the new Child Maintenance Service is that, wherever possible, we want to encourage people to sort things out for themselves if they can. The £20 charge is designed to encourage people to think before applying to the Child Maintenance Service. Where, however, there is an instance of domestic violence, for example, that £20 will be waived. We are undertaking research into the people who contact us and then do not use our services to ensure that effective maintenance arrangements are being put in place.

26 Jan 2015 | Topical questions - 1st Supplementary | Answered | House of Commons | House of Commons chamber | 591 c563

**Date answered:** 26 Jan 2015





### 3. Press articles

[Watchdog finds £3bn in child support arrears may never be collected](#)

**The Guardian, 28 March 2017**

[Unpaid child maintenance backlog in UK is £3.8bn](#)

**BBC News, 20 March 2017**

[SNP MP Angela Crawley calls for end to 'cruel and callous' child maintenance charges for domestic abuse victims](#)

**Holyrood Magazine, 10 February 2017**

[Charges to use the Child Maintenance Service hand the Government almost £1m a month](#)

**The Independent, 2 January 2017**

[We do our best at the Child Maintenance Service but lone parents still lose out](#)

**The Guardian, 10 December 2016**

[Government's child maintenance reforms puts domestic abuse survivors at risk](#)

**Politics.co.uk, 13 September 2016**

[New child support system is unsafe for domestic abuse survivors, charities warn](#)

**The Independent, 12 September 2016**

[Why the silence on the scandal of unpaid child maintenance?](#)

**The Guardian, 16 June 2016**

[£2.9bn unpaid child maintenance 'uncollectable'](#)

**BBC News, 25 January 2015**

[Absent parents 'owe £3bn in child support that will never be collected'](#)

**The Daily Telegraph, 25 January 2015**

## 4. Press notices

[£3bn in child maintenance arrears are uncollectable, says NAO](#)

**Public Finance, 28 March 2017**

[Billions of pounds of child maintenance arrears 'uncollectable'](#)

**UK Authority, 28 March 2017**

[Government service puts domestic abuse survivors at risk](#)

**Gingerbread, 13 September 2016**

[Areas with highest unpaid child maintenance in Britain revealed](#)

**Gingerbread, 26 October 2016**

[Child Support Agency 'has failed to collect £4 billion'](#)

**Stowe Family Law LLP, 16 June 2016**

[Hundreds of millions of maintenance owed to children is failing to be collected](#)

**Gingerbread, 16 June 2016**

## 5. Further reading

- London School of Economics, [How the government's new child maintenance service leaves domestic abuse survivors out in the cold](#), 9 March 2017
- London School of Economics, [The Child Support Agency is disappearing – but what about maintenance still owed for children?](#), 12 July 2017
- Gingerbread, [Maintenance Matters](#), June 2016
- Gingerbread, NatCent, Nuffield Foundation, Bryson Purdon Social Research, [Kid's Aren't Free: The Child Maintenance Arrangements of Single Parents On Benefit in 2012](#), June 2013
- Commons Library Briefing Paper SN03405, [Child Support when a non-resident lives abroad](#)
- Commons Library Briefing Paper SN06720, [The 2012 Child Maintenance Scheme](#)
- Commons Library Briefing Paper CBP 7777, [Child Maintenance: Fees \(UK excluding NI\)](#)
- Commons Library Briefing Paper CBP 7772, [Child Maintenance: inclusion of earnings from "special occupations" in the 2012 CMS scheme](#)

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